

Committee on Resources

Subcommittee on National Parks & Public Lands

Testimony

STATEMENT OF PETE CULP
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BUREAU OF LAND MANAGEMENT
H.R. 3705
IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT
BEFORE
HOUSE COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
JUNE 23, 1998

Thank you for the opportunity to testify on H.R. 3705, the Ivanpah Valley Airport Public Lands Transfer Act, a bill that provides for the transfer of certain public lands to the Clark County Department of Aviation. Although the concept of an airport at this location may have merit, the Bureau of Land Management (BLM) can not support H.R. 3705 in its present form.

H.R. 3705 provides for the conveyance of lands to the Clark County Department of Aviation over a period of 20 years. The lands are to be used for an airport facility and associated industrial and commercial development. The lands are to be conveyed over this 20-year period of time on an as needed basis to the Department of Aviation. Market value for all conveyances are to be based on appraised values determined within 6 months of the passage of the legislation. The lands will be withdrawn from entry under the mining laws. Although no maps have been provided, we understand the lands are located a few miles south of Jean, Nevada.

I would like to discuss the primary concerns that we have with H.R. 3705. Our principal concern with the bill is the conflict that will be created with current land use in the area. In this general area, there are a variety of third-party rights and land uses that conflict with the proposed airport use. One section of land is encumbered by mining claims, the entire area is within a grazing allotment, the Nevada Department of Transportation has two mineral material sites for acquiring gravel for road maintenance in the area, three major power lines and a utility corridor bisect the site, and the area is Desert Tortoise habitat. In addition to providing tortoise habitat, the lands west of Interstate 15 serve as a translocation site for tortoise that are affected by development elsewhere in Clark County. This area is a historical Off Highway Vehicle (OHV) use area and portions of the lands have been designated as a Special Recreation Management Area. There are several OHV loop areas between Primm and Jean that would be eliminated by this proposal. We assume that the airport authority would not desire OHV use near the airport due to the dust created. This area is also used for sky diving which clearly would be eliminated if a new airport is constructed. For all of these reasons, this area is identified in the BLM's Stateline Resource Management Plan as lands to be retained in Federal ownership.

Another significant issue is the conveyance of lands at less than fair market value. The bill requires the Department of Aviation to pay for the lands that are to be conveyed piecemeal over a period of twenty years at the market value determined immediately after passage of the bill. This means that lands being conveyed 15 or 18 years from now will be conveyed at a 1998 market value, assuming passage of this bill this year. Land values can change significantly over that period of time. The bill should be modified to base the values of public lands on fair market value at the time of conveyance.

A third issue of concern is the fact that we do not have a map that shows the lands involved. We have only

been able to review a small map showing the proposed site, but we have received nothing official. Not having on file the map referred to in Section 2(a) of this bill causes two problems. First an unofficial small-scale map is not sufficient to offer the subcommittee a detailed discussion of issues that may exist on the ground. The map we have seen shows an area of 32 square miles as the airport site. About 2,000 acres are the airport and development lands, 4,560 acres are reserved for an Industrial Center and 13,830 acres are buffer zone. The lines differentiating these areas are not legible but seem to follow natural features rather than legal boundaries. As you can see, we are not sure if this bill involves the conveyance of the 2,000 acres identified as airport and development lands or all the acres identified amounting to more than 20,000 acres of public lands.

It is also important to note that on March 5, 1998, the District Court for the District of Columbia, in its decision in Coast Alliance v. Babbitt, essentially nullified section 220 of the Omnibus Parks and Public Lands Management Act of 1996, because maps referenced in that section were not on file on the date of enactment of that act. We, therefore, believe it is essential for the Committee to work with the BLM to develop a dated and officially filed map prior to the markup of this legislation.

As the map is developed, we would ask that consideration be given to identifying boundaries that follow cadastral survey lines in order to allow for conveyances of lands without the time and expense of surveys. It is also requested that the above identified resource and land use conflicts be avoided in preparation of the map if possible.

Another concern deals with the withdrawal of the public lands. The bill withdraws the lands from the mining laws, while not affecting the existing mining claims. There is no provision for a sunset of the withdrawal at the expiration of the Act or at such time as the Department of Aviation declares that all the desired lands have been conveyed. As written, this provision requires the BLM to go through the time-consuming administrative process to terminate the withdrawal.

Finally, we note that Clark County, as a recipient of Federal grants to construct the Jean Airport, a general aviation airport that opened two years ago near Ivanpah Valley, is obligated by the grant terms to operate and maintain the airport for its useful life. The Federal Aviation Administration (FAA) informally advises that operations by large aircraft at an Ivanpah Valley airport site, as envisioned by Clark County, could likely conflict with the general aviation activity at Jean.

The administration believes, however, that the issues that I have identified can best be resolved and should be resolved in the context of the administrative planning processes of the BLM and the FAA. Clark County's efforts to plan for the future commercial aviation needs of the Las Vegas metropolitan area are commendable. We recognize that initiating the preliminary planning now will ensure the county's ability to provide for air service for the region in the future and, therefore, stand ready to assist the county in every way possible. Nonetheless, we strongly believe that administrative planning processes of the BLM and the FAA are the proper and desirable forum for addressing the county's needs.

That concludes my testimony. I would be glad to answer any questions.

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